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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,596	02/23/2004	Michael D. Kotzin	CS24446RA	8311
20280	7590	05/30/2008		
MOTOROLA INC 600 NORTH US HIGHWAY 45 W4 - 39Q LIBERTYVILLE, IL 60048-5343			EXAMINER WON, MICHAEL YOUNG	
			ART UNIT 2155	PAPER NUMBER
			NOTIFICATION DATE 05/30/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/784,596	Applicant(s) KOTZIN ET AL.	
	Examiner MICHAEL Y. WON	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed April 15, 2008.
2. Claims 1 and 6 have been amended.
3. Claims 1-20 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Domnitz (US 6,912,398).

INDEPENDENT:

As per **claim 1**, Domnitz teaches a method of a wireless communication device for managing dynamic containers comprising:

detecting a current time of the device (see col.4, lines 47-54: “determines the presence of an individual thorough the use of an identification device..., and based on individual’s identity and location and/or time”);

selecting a particular channel among a plurality of channels associated with a dynamic container of the device based on the current time of the device, wherein the particular channel is selected by the device based on availability of the content of the particular channel at the current time (see col.4, lines 47-54: “and pushes the information down through the available information channels” and col.7, lines 1-3); and

displaying a unit of content of the particular channel via the dynamic container if an update time of the particular channel corresponds to the current time of the device (see col.8, lines 25-29 & 34-37; and col.10, lines 41-49: “channel being watched is being watched when an advertisement is due to run”).

As per **claim 6**, Domnitz teaches a method of a wireless communication device for managing dynamic containers comprising:

detecting a current location of the device (see col.4, lines 47-54: “determines the presence of an individual thorough the use of an identification device..., and based on individual’s identity and location and/or time”);

selecting a particular channel among a plurality of channels associated with a dynamic container of the device, wherein the particular channel is selected by the device based on the current location of the device (see col.4, lines 47-54: “and pushes the information down through the available information channels” and col.7, lines 1-3); and

displaying a unit of content of the particular channel via the dynamic container if an associated location of the particular channel corresponds to the current location of the device (see col.10, lines 15-20: “dynamically updates the area to which information applies”).

As per **claim 10**, Domnitz teaches a wireless communication device for managing dynamic containers comprising:

a timing circuit configured to detect a current time of the device (see col.4, lines 47-54: “determines the presence of an individual thorough the use of an identification device..., and based on individual’s identity and location and/or time”);

a processor, coupled to the timing circuit, configured to select a particular channel, among a plurality of channels, associated with a dynamic container of the device based on the current time of the device (see col.4, lines 47-54: “and pushes the information down through the available information channels” and col.7, lines 1-3); and

a display, coupled to the processor, configured to provide a unit of content of the particular channel via the dynamic container if an update time of the particular channel corresponds to the current time of the device (see col.8, lines 25-29 & 34-37; and col.10, lines 41-49: “channel being watched is being watched when an advertisement is due to run”).

As per **claim 15**, Domnitz teaches a wireless communication device for managing dynamic containers comprising:

a location circuit configured to detect a current location of the device (see col.4, lines 47-54: “determines the presence of an individual thorough the use of an identification device..., and based on individual’s identity and location and/or time”);

a processor, coupled to the location circuit, configured to select a particular channel, among a plurality of channels, associated with a dynamic container of the device based on the current location of the device (see col.4, lines 47-54: “and pushes the information down through the available information channels” and col.7, lines 1-3); and

a display, coupled to the processor, configured to provide a unit of content of the particular channel via the dynamic container if an associated location of the particular channel corresponds to the current location of the device (see col.10, lines 15-20: “dynamically updates the area to which information applies”).

As per **claim 19**, Domnitz teaches a wireless communication system for managing dynamic containers of a remote device comprising:

a processor configured to determine an update time of a particular channel, among a plurality of channels, associated with a dynamic container of the remote device, wherein the update time corresponds to a time period when content of the particular channel is recurringly updated (see col.10, lines 41-49: “using this information, referencing a commercial programming schedule store... channel being watched is being watched when an advertisement is due to run”); and

a transceiver, coupled to the processor, configured to provide a unit of content of the particular channel to the remote device before the update time of the particular channel (see col.10, lines 51-55: “transmitted immediately”).

As per **claim 20**, Domnitz teaches a wireless communication system for managing dynamic containers of a remote device comprising:

a processor configured to determine an associated location of a particular channel, among a plurality of channels, associated with a dynamic container of the remote device, wherein the associated location corresponds to a location of a source associated with the particular channel (see col.4, lines 47-54: “the system selects information related to the location or time and pushes the information down through the available information channel”; col.10, lines 15-20: “dynamically updates the area to which information applies”); and

a transceiver, coupled to the processor, configured to provide a unit of content of the particular channel to the remote device after the particular channel is determined by the processor (see col.10, lines 51-55: “transmitted immediately”).

DEPENDENT:

As per **claims 2 and 11**, which respectively depend on claims 1 and 10, Domnitz further teaches wherein the update time corresponds to a time period when content of the particular channel is recurrently updated (see col.10, lines 3-6 & 46-49).

As per **claims 3 and 12**, which respectively depend on claims 1 and 10, Domnitz teaches further comprising determining the update time by monitoring user interaction

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with the at least one channel during a predetermined time period (see col.6, lines 63-67 and col.10, lines 46-49).

As per **claims 4 and 13**, which respectively depend on claims 1 and 10, Domnitz teaches further comprising determining the update time by receiving the update time from a user of the device via a user interface (see col.10, lines 3-6).

As per **claims 5 and 14**, which respectively depend on claims 1 and 10, Domnitz teaches wherein comprising obtaining the unit of content of the particular channel before the update time of the particular channel via a transceiver (see col.10, lines 51-55).

As per **claims 7 and 16**, which respectively depend on claims 6 and 15, Domnitz further teaches wherein the associated location corresponds to a location of a source associated with the particular channel (see col.10, lines 46-49).

As per **claims 8 and 17**, which respectively depend on claims 6 and 15, Domnitz teaches further comprising determining the associated location by receiving the associated location from a source associated with the particular location via a transceiver (see col.10, lines 3-6).

As per **claims 9 and 18**, which respectively depend on claims 6 and 15, Domnitz teaches further comprising obtaining the unit of content of the particular channel after the particular channel is selected via a transceiver (see col.10, lines 47-49).

Response to Arguments

5. Applicant's arguments filed April 15, 2008 have been fully considered but they are not persuasive.

In response to the argument regarding the amended claims 1 and 6, Domnitz clearly teaches “wherein the particular channel is selected by the device based on availability of the content of the particular channel at the current time”. Domnitz teaches that the “system determines” and “system selects” and “pushes the information down through **available** information channels” (see col.4, lines 47-54, emphasis added). Clearly, such teaching contradicts the applicant(s) assertion that the channel is selected by the individual. Furthermore, one of ordinary skill in the art will equate channel availability to availability of content since if the content is not available on a particular channel then the channel will also be unavailable.

In response to the argument with respect to claim 1, specifically, “selecting a particular channel among a plurality of channels associated with a dynamic container of the device based on the current time of the device”, the applicant(s) seem to be referencing another aspect of Domnitz’s invention (see col.7, lines 24-28) to differentiate the prior art rather than responding to the Examiner’s citations. In this other citation, Domnitz is teaching an alternate embodiment wherein the channels are predetermined. Therefore, the argument is moot.

In response to the argument with respect to claim 1, specifically, “displaying a unit of content... if an update time of the particular channel corresponds to the current time of the device”, Domnitz clearly teaches this broad limitation. Domnitz teaches that

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a scheduled advertisement can be provided to a device when it is determined that the device is tuned to a particular channel (see col.10, lines 41-46). Based on Domnitz's combination of teachings, such determination will also determine the time because Domnitz teaches "on-board clock and timing circuit can be used to record locale at regular time intervals" (see col.6, lines 20-21).

With respect to the argument regarding "dynamic container", the examiner equates this to be merely information such as advertising and/or other information to individuals" (see col.3, lines 25-28).

For the reasons above, claims 6, 10, and 15 have been similarly rejected.

In response to the argument with respect to claim 19, specifically, "a processor configured to determine an update time of a particular channel... associated with the remote device", Domnitz teaches correlating a channel being watched with an advertisement is due to run (see col.10, lines 46-49). Clearly this teaches the broad limitation of determining an "update time of a particular channel". Furthermore, it is inherent that a unit of content is continuously provided via the channel before and similarly after the update time in a local cable provider or satellite television as describe by Domnitz.

In response to the argument with respect to claims 18 and 20, additional or new reference locations have been cited. The combinations of citations clearly and explicitly teach all the limitations of claims 18 and 20 (see rejections above).

Conclusion

6. For the reasons above, claims 1-20 have been rejected and remain pending.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL Y. WON whose telephone number is (571)272-3993. The examiner can normally be reached on M-Th: 10AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

May 22, 2008